

so plaintiff several times, cut his face, and pushed him into the street. The case of the defendant was that plaintiff was drunk; that he created great noise and confusion in the saloon, and that he used towards the plaintiff no more force than was necessary to remove him from the place. The jury found a verdict for the plaintiff. Damages, \$150.

UNITED STATES DISTRICT COURT—BROOKLYN.

The case of *Pace and others versus the City of Norwich*, adjourned from the 6th instant, came up again yesterday. The question before the court was on the motion by the counsel for the defence to give them the benefit of the act of Congress passed on the 3d of March, 1851, entitled "An act to limit the liability of shipowners and for other purposes," which provides that a steamboat, together with her engine tackle, &c., and her other rigging, at the time of collision and fire, may be appraised by appraisers appointed by the court. J. W. C. Smith, for the City of Norwich, the steamboat company, argued that under this statute the vessel in the case of

the terms of the decision, and her freight, should be appraised, and that the company should be permitted to use the ship for the same purpose as the vessel, which has been required since the accident, released from the custody of the court.

Richard H. Huntley, for the libellants, held that the respondents could not demand restitution of the state, because it was not applicable to vessels, but only to inland waters. He maintained that the City of Norwich, as being on inland waters, from the fact that its portion of each trip was upon the Humber river, in the State of New York. This being the case, no trustee could be appointed, and the vessel could not be sold as the statute provided. Besides, they did not want the vessel.

P. S. Crocker, for the libellants had no objection to a bond being given to the extent of the statutory liability, but he did object to the respondents giving free from all claims, and releasing the liability.

E. H. Owen for the respondents, argued that within the act it could not be claimed that the City of Norwich comes under the rule of inland navigation. It had been held by Judge Swanwick in 22 L. J. 100, that their inland navigation is spoken of as means solely employed in inland navigation. East river would not

the sea within the Gulf, or the river Tiamasa. The latter is lost in a distance of length, while the former is a narrow strait, and the Gulf of the Sound, which could not be as small as inland, any more than the lakes, which had been decided not to be inland, is about one hundred and twenty miles in length. The vessel could be hunted and released it would save the country from unjust embarrassment and secure to the libellants a just proportion of their respective claims. On other claims could be put in or any further action taken after the vessel should be released, as all persons saving a life to be court were presumed to be there and the matter would be acted upon the same as if they were there.

The Judge reversed his decision.

COURT OF COMMON PLEAS—PART 2.

Assault and Battery.
Before Judge Cardozo.

David O'Keefe vs. Gudavus Tarakoz—This was an action for assault and battery, the plaintiff making \$5,000 damage his injured feelings. Plaintiff is a manufacturer of clothing, and had a dispute with defendant about some bill. During the controversy parties and rushed

With excitement, and it ended with Overlook calling the Mear on the face, because, as claimed, plaintiff claimed defendant a liar. The answer was admitted, but provocation claimed. Verdict for \$45 in favor of plaintiff.

Part of Common Pleas Calendar. This Day.
Part 1.—Nos. 1027, 1056, 1041, 1043, 1237, 1040, 1064, 1710, 1713, 1754, 1750, 1738, 1729, 1681. Part 2.—Nos. 1062, 1063, 1064, 1065, 1066, 1067, 1098, 1085, 1274, 1285, 1286, 1787, 1788, 1789, 1790.

DECISIONS IN SUPREME COURT.
By Justice Foster.

Caroline Fried vs. the Royal Insurance Company of Liverpool.—Judgment for plaintiff on the demurrer, with leave to the defendant to answer within thirty days on penalty of costs.

The People of the State of New York vs. Bernard Bolley et al.—Judgment for defendants on the demurrer, with leave to plaintiffs to amend the complaint within thirty days on payment of costs.

Samuel Waldheim vs. J. Joseph.—Judgment for plaintiff on demurrer to defendant's answer, with leave to defendant to amend his answer within twenty days on

decisions of costs
By Justice Sutherland.
The Unity Fire Insurance Association of London v.
F. H. Macy et al.—Final Judgment ordered.
By Justice Clarke.
Wm. Faxon, Receiver, vs. Ezra A. Hinchell et al.—
Decision to amend order decreed, without costs.

DECISIONS IN COURT OF COMMON PLEAS—GENERAL TERM.

Before Judges Judd, Brady and Cardozo.

Henry H. Dawson vs. John Jay—Order concerning de-
fendant affirmed, and defendant must answer the
action.

Samuel Schuster vs. Isaac Benumers—Judgment
affirmed.

Katherine A. Mead vs. David Stevens—Judgment re-
versed, and order of referee set aside.

Richard Halloran vs. Daniel Low—Judgment affirmed.

William Gillies vs. Marie Lent—Order appealed from
reversed.

R. R. D. Brinckerhoff vs. Andrew Lake—Decree opposed,
etc.

James Clark vs. Richard Gomprecht—Judgment
affirmed, with costs.

Martha McElride vs. James A. Dorman—Judgment re-

referred and not orally ordered.
Francis Plazimmons vs. James Norton.—Judgment affirmed.
Charles Johnson, A. G., vs. William Florence, Jr., A. C.—Judgment reversed.
The Mayor, A. C., vs. Isaac Wortendyke.—Judgment reversed.

DECISIONS IN COURT OF COMMON PLEAS—SPECIAL TERM.

By Study, Justice.

Frederick W. Hurd et al. vs. Michael Allinen.—See opinion with Clerk.
Smith vs. Place et al.—See opinion with Clerk.
The Public Petroleum Stock Exchange Building Company vs. John W. Lewis.—See opinion with Clerk.
Isaac Keyser vs. The Bank for Savings.—Motion granted, without prejudice to any existing legal right of claimants to the disputed fund.
By Daly, Justice.
Koeblor vs. Frank.—Motion granted.
Koeblor vs. Prentiss.—Motion for committal granted, at stay of proceedings denied.

COURT OF GENERAL SESSIONS.

before Judge Russell.

TWO HIGHWAYS THROTTLED NEAR THE STATE PRISON.

At the opening of the court yesterday John Dempsey and Martin Muldady, who were convicted on Friday of robbery, were brought up for sentence. It will be remembered that they robbed Thomas Collins of a silver watch. The Judge informed them that if they would agree that the watch was restored it would make a difference in the sentence. The property was found and turned to Mr. Collins. His Honor said that if the watch had not been found he would have sent them to the State Jail for twenty years. He sentenced them each to the Sing Sing Prison for the period of ten years.

GRAND LARCENY.

Wm. Clark was tried and convicted of grand larceny stealing two pieces of cloth, valued at \$51, the property of John J. O'Connell, a well known contractor. The order of the establishment punishing the boy, and said, "I thought I would strike him around the City Hall if he was a thief, it" (great laughter). He was caught, with the goods and the money, on the corner of the Park, and when caught held of slooped at his coat, but was afterwards arrested. The Judge

Joseph Riley, who was charged with a felonies on assault upon officer Murphy, of the Nineteenth precinct, was acquitted. It appeared that the officer went to the house of Riley, who was charged with a responsibility for a fight, and on reaching the place found a woman, who he took to be moved from "this brute" (meaning the woman). When the officer told Riley that he wanted her to go to the station house, he went to a bureau and took out a Colt's self-defense revolver. He was not in his head. There were bullets in the pistol, but it was not capped. The Judge directed the jury to render a verdict of not guilty.

ACCUSED MURDER.

William H. McGarry and James Tighe (young men) were placed on trial charged with assaulting a little boy, Thomas Miller, on the morning of the 30th of January, in the city of New York. The boy was 10 years of age, and, stealing \$25 from him, The jury testified that they came behind him, put their arms around him, took him in a snail, and, while one of them put his hand on his head, the other pulled out a revolver. He was corroborated by the little boy—Peter Garvey—who was a witness. The accused parties ran down Seventh street. On re-examination it came out that he was told by his

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FIRE AT HALIFAX.
HALIFAX, N. S., Nov. 12, 1906.
A fire on Saturday night destroyed the military hospital and nearly all its contents. The patients were saved. Several firemen were injured by collapsing timbers.